

OCT 31 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Albert Komitzer
Plant Engineer
Trico Products Corporation - Plant No. 1
817 Washington Street
Buffalo, New York 14203

Re: Trico Products Corporation - Plant 1
EPA Identification Number: NY0002107394
Facility Located At : Same
Inspection Performed On : September 23, 1983

SWL 60

Dear Mr. Komitzer:

The Environmental Protection Agency (EPA) is charged with the responsibility for implementing the Solid Waste Disposal Act, as amended, 42 U.S.C. 5601 et seq. (the Act). [Note: Among the statutes amending the Act is the Resource Conservation and Recovery Act (RCRA), 90 Stat. 2795, P.L. 94-580 (1976).] By notification, you informed EPA that you conduct activities at the above referenced facility involving "hazardous waste," as that term is defined in Section 1004(5) of the Act, 42 U.S.C. 5604(5), and in 40 CFR 261. As required in Section 300b of the Act, 42 U.S.C. 5602b, and in 40 CFR 279, you requested a permit to conduct such hazardous waste activities.

In accordance with EPA's responsibility, an inspection was performed at this facility by a duly authorized representative of EPA pursuant to Section 3007 of the Act. This above referenced inspection revealed that your facility was acting as a generator by producing hazardous waste and was being used for treatment, storage and/or disposal of hazardous waste.

40 CFR Part 262 sets interim standards for generators and 40 CFR Part 265 sets interim standards for treatment, storage and disposal facilities that handle hazardous wastes. These interim status standards apply until final administrative disposition of the permit application submitted by the owner and operator of the facility has been made. As such final disposition has been made with respect to your facility, and thus the standards of Part 265 apply to that facility.

PERMIT SECTION
OCT 31 12 20 PM '83
ENVIRONMENTAL PROTECTION
AGENCY
NEW YORK, N.Y. 10007

The inspection revealed that your facility was in violation of certain provisions of Part 262 and Part 265. On the basis of these findings, the Solid Waste Branch Chief, Region II, has determined that your facility is operating in violation of Section 3002 and Section 3005 of the Act, 42 U.S.C. §6922 and §6925, and the regulations promulgated thereunder. The following paragraphs indicate the regulatory provisions that have been violated:

40 CFR §262.42 requires a generator to submit an Exception Report to the EPA Regional Administrator if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted for shipment by the initial transporter. At the time of the inspection, Exception Reports had not been submitted as required by this section. You were therefore in violation of 40 CFR §262.42.

40 CFR §265.13(b) requires that the owner or operator of a hazardous waste treatment, storage or disposal facility must develop and follow a written waste analysis plan. At the time of the inspection, information present at your facility was insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.13(b).

40 CFR §265.15 requires that the owner or operator of a hazardous waste facility must develop and follow a written schedule of inspections for certain specified portions of its facility. The owner or operator must also retain a record of these inspections in a log or summary. At the time of the inspection, documents available at your facility were insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.15.

40 CFR §265.16(d) requires that the owner or operator of a hazardous waste facility must maintain written documentation of personnel, jobs and job-related training conducted at the facility. Documentation which existed at the facility at the time of the inspection was insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.16(d).

40 CFR §265.32 requires that fire extinguishers, fire control equipment, spill control equipment and decontamination equipment be present at the facility. On the date of the inspection it was noted that the spill control equipment should have been at a more readily visible and accessible location with respect to the waste management area. You were therefore in violation of 40 CFR §265.32

40 CFR §265.35 requires that the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of the facility operation in an emergency unless aisle space is not needed for any of these purposes. At the time of the inspection insufficient aisle space was noted. You were therefore in violation of 40 CFR §265.35.

40 CFR §265.51 requires that the owner and operator of a hazardous waste facility must have a written contingency plan for the facility designed to minimize hazards to human health or the environment from any unplanned release of hazardous waste constituents. 40 CFR §265.52 describes the required contents of the contingency plan. At the time of the inspection, the content of this plan was insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.51.

40 CFR §265.53 requires that copies of the contingency plan be maintained at the facility and be submitted to local police and fire departments, hospitals and other official agencies who might be called upon in an emergency. At the time of the inspection copies of the plan had not been distributed in compliance with this section. You were therefore in violation of 40 CFR §265.53.

40 CFR §265.73 requires that the owner or operator of a hazardous waste facility must maintain an operating record at the facility containing certain required information, including a description of the type, quantity, and location of all wastes held at the facility. At the time of the inspection documents available were insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.73.

40 CFR §265.112 requires that the owner or operator of a hazardous waste facility must develop and maintain at the facility a written closure plan which describes the steps necessary to close all or part of the facility. At the time of the inspection, documents available were insufficient to meet the requirements of this section. You were therefore in violation of 40 CFR §265.112.

40 CFR §265.173(a) requires that containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. Containers were found open and unattended at your facility. You were therefore in violation of 40 CFR §265.173(a).

In addition, the inspection revealed that a container of EP Toxic hazardous waste containing chromium (EPA code D007) was being stored in your waste storage area. EPA has never been notified of your storage of D007 hazardous waste. As such, you were in violation of 40 CFR §270.72(c)(1) which requires that new hazardous wastes not previously identified in Part A of the permit application may be treated, stored, or disposed of if the owner or operator submits a revised Part A permit application prior to such a change.

Enclosed please find a Part A permit application which is to be completed so that all hazardous waste management activities are accounted for.

Section 3008 of the Act authorizes the assessment of a civil penalty of up to \$25,000 per day for violations of statutory provisions or relevant regulations. The determination of whether a penalty is to be imposed is based upon the nature and seriousness of the violation and the good faith efforts to comply with the applicable requirements. It has been determined in this case that no penalty will be imposed for the violations cited above if the facility corrects all violations cited herein as expeditiously as possible and in no case later than sixty (60) days from the receipt of this letter. Should the cited violations be discovered at this facility during future inspections, it is likely that an action for the assessment of a civil penalty will be initiated. Furthermore, please be advised that this letter in no way precludes future enforcement actions for any other violations discovered as a result of any other inspection.

Please confirm in writing within sixty (60) days of your receipt of this letter that the above referenced violations have been corrected and include supporting documentation as appropriate. This confirmation should be addressed to:

Ernest A. Regna
Chief, Solid Waste Branch
U. S. Environmental Protection Agency, Region II
26 Federal Plaza
New York, NY 10278

with copies to:

Richard A. Baker
Chief, Permits Administration Branch
U. S. Environmental Protection Agency, Region II
26 Federal Plaza
New York, NY 10278

and

Robert Mitrey, P.E.
Regional Solid Waste Engineer, Region 9
New York State Department of Environmental Conservation
600 Delaware Avenue
Buffalo, NY 14202

You must include your EPA identification number on all correspondence.

Should you have questions about this Notice or should you wish to discuss this matter further, please contact Frank Langone of my staff at (212) 264-2073. A copy of the inspection report is enclosed.

Sincerely yours,

Ernest A. Regan
Chief
Solid Waste Branch

Enclosures

cc: David Maricci, Chief
Bureau of Hazardous Waste Operations, NYSDEC, w/encl.
Robert Witrey, P.E.
Regional Solid Waste Engineer, Region 9, NYSDEC, w/encl.
bcc: Frank Langone, 2AWM-SW w/o encl.
Richard A. Baker, 2PM-PA w/o encl. ✓
Helen Shannon, 2AWM-SW